

**Notice of Allowability**

|                        |                     |  |
|------------------------|---------------------|--|
| <b>Application No.</b> | <b>Applicant(s)</b> |  |
| 09/558,239             | CHEN ET AL.         |  |
| <b>Examiner</b>        | <b>Art Unit</b>     |  |
| Ramsey Zacharia        | 1773                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed.

2.  The allowed claim(s) is/are 1,2 and 6-14.

3.  The drawings filed on 03 June 2002 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>attached</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence P. Kessler on 22 June 22, 2004.

The application has been amended as follows.

In claim 1, the phrases "at least" on lines 15-16 and "at least" on line 17 have been deleted.

2. The following is an examiner's statement of reasons for allowance.

The invention as claimed is directed to a fuser member comprising a core and a layer overlying the core. The overlying layer comprises a fluorocarbon random copolymer having subunits as recited in claim 1, a curing agent, and a siloxane polymer comprising one or more curable silanol-terminated polyfunctional poly(C1-6 alkyl)siloxane polymer. The overlying layer further comprises the following components (based on 100 parts of copolymer): 50 to 140 parts by weight of aluminum oxide, 6 parts by weight of calcium hydroxide, and 3 parts by weight of magnesium oxide.

Chen et al. ('823) represents the closest prior art. However, Chen et al. do not teach or fairly suggest a fuser having an overlying layer containing only 6 parts by weight of calcium hydroxide and 3 parts by weight of magnesium oxide per 100 parts of copolymer. Chen et al.

teach that the overlying layer comprises 25-50 vol% filler composed of aluminum oxide and alkaline earth metal oxide and/or alkaline earth metal hydroxide. The aluminum oxide comprises 20-40 vol% of the layer, therefore, the alkali metal oxide and/or alkali metal hydroxide is 5-10 vol%. Assuming the minimal amount of filler (and thus the maximum amount of copolymer), 5 vol% of magnesium oxide would correspond to about 13.1 parts by weight per 100 parts of copolymer, and 5 vol% of calcium hydroxide would correspond to 8.2 parts by weight per 100 parts of copolymer. In one embodiment, Chen et al. teach an overlying layer composition comprising 3 vol% magnesium oxide, 6 vol% calcium hydroxide, with 20-40 vol% of aluminum oxide. However, this corresponds to about 8.3-11.5 parts by weight of magnesium oxide and 10.4-14.4 parts by weight of calcium hydroxide per 100 parts of copolymer. That is, Chen et al. does not teach a composition comprising 6 parts by weight of calcium hydroxide and 3 parts by weight of magnesium oxide per 100 parts by weight of copolymer. Moreover, Chen et al. do not fairly suggest or provide motivation to one skilled in the art to use a combination of calcium hydroxide and magnesium oxide in which the weight (as opposed to volume) of calcium hydroxide used is twice that of the magnesium hydroxide.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramsey Zacharia  
Primary Examiner  
Tech Center 1700